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August 24, 1998

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AUG 24 1998

Office of the Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 "M" Street, N. W., Room 222
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Re: CC Docket No. 94-102

Dear Sir or Madam:

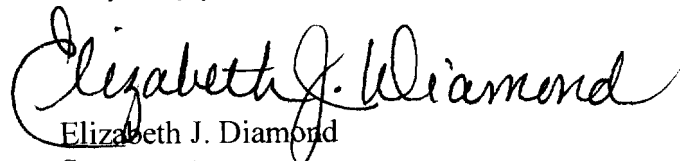
Enclosed for filing are an original and ten (10) copies of the following document in the above-referenced proceeding:

**REPLY COMMENTS OF
THE CELLULAR CARRIERS ASSOCIATION OF CALIFORNIA**

Please have delivered to each Commissioner a copy of the enclosed document and return an endorsed, file-stamped copy of the document in the enclosed self-addressed, postage-paid envelope.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,



Elizabeth J. Diamond
Secretary to
MICHAEL B. DAY
JEANNE M. BENNETT

EJD
Enclosures

cc: Commissioners, w/enclosure

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

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AUG 24 1998

Federal Communications Commission
Office of Secretary

Wireless Compatibility with
Enhanced 911 Emergency
Calling Systems

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CC Docket No. 94-102

REPLY COMMENTS OF
THE CELLULAR CARRIERS ASSOCIATION OF CALIFORNIA

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UNITED STATES OF AMERICA
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FEDERAL COMMUNICATIONS COMMISSION

Federal Communications Commission
Office of Secretary

Wireless Compatibility with)
Enhanced 911 Emergency) CC Docket No. 94-102
Calling Systems)

REPLY COMMENTS OF
THE CELLULAR CARRIERS ASSOCIATION OF CALIFORNIA

Pursuant to the July 30, 1998 Notice of the Wireless Telecommunications Bureau of the Federal Communications Commission, the Cellular Carriers Association of California ("CCAC") respectfully submits the following reply to the comments of the Ad Hoc Alliance filed in the above captioned proceeding on August 14, 1998.

In its pleading, the Alliance represents itself as an organization whose goal is "...to ensure that users of wireless handsets are able to reach emergency 9-1-1 services wherever available." This is an admirable goal and one shared by CCAC. CCAC submits, however, that the actions and policies espoused by the Alliance will only serve to delay, and raise the cost of, E 9-1-1 service -- outcomes that are not in the interest of public safety.

1. **CMRS Providers Are Providing E 9-1-1 Service in the Los Angeles 9-1-1 Pilot Area**

Contrary to the Alliance's assertion, as of August 24th, all four CMRS providers that have been participating in preparations for the trial (AirTouch,, LA Cellular, Sprint PCS and Pacific Bell Mobile Services) are "on line" and providing E 9-1-1 services in the pilot area. They have not conditioned participation in the pilot on insurance reimbursement, however, as stated in CCAC's comments, absent liability limitation, CMRS providers are entitled to insurance reimbursement for providing E 9-1-1 services.

2. Both State and Federal Governments Regulate E 9-1-1 Services Provided by Wireless Carriers.

In their comments, the Alliance argues that CMRS providers should not receive the same liability limitation for 9-1-1 service that is enjoyed by landline providers because wireless carriers are not rate regulated. This is the same argument they employed in opposing AB 909, the CCAC-sponsored bill that would have enacted selective routing and limited liability for wireless 9-1-1 calls in California. (See CCAC Comments at pp. 3-4).

Regulation of rates and regulation of E 911 service are two distinct concepts, the lines between which should not be blurred. There can be no question that both state and federal governments regulate the provision of 9-1-1 service by wireless carriers. Carriers must provide 9-1-1 service at no charge to customers. The E 9-1-1 service they deliver must be done in accord with applicable FCC orders and associated regulations, which include, among other things, providing E 9-1-1 calls from non-initiated handsets. California law mandates the routing of the calls to the nearest California Highway Patrol Communications Center. The Ad Hoc Alliance's argument -- absent regulation, wireless carriers should not be provided liability protection -- fails. Wireless carriers are regulated in their provision of E 911 service

3. Wireless Carriers are Entitled to the Same Limitation of Liability for their Regulated and Mandated 9-1-1 Services as Landline Providers

As stated in CCAC's Comments and those of many others, the roll out of E 9-1-1 service will be faster and more efficient if wireless carriers receive the same limitation of liability for 9-1-1 service enjoyed by the landline companies. The rationale behind providing that limitation is the same for all telecommunications carriers which are mandated by the government to provide 9-1-1 services, and regulated in their provision of such services. As a

condition of the regulation of 9-1-1 service and in order to maintain reasonable rates, limitations of liability for both landline and wireless 9-1-1 must be part of the regulation of 9-1-1.

Liability limitation will expedite the roll out of the service and enable the providers to continue to supply the service at no charge for the call. This is a unique service where a private company is being asked, indeed required, to provide a public service. A service that is vitally important to public safety.

The Alliance points to their opposition to legislation liability limiting in California, suggesting that, had it been involved in other states, fewer would have enacted limited liability for E 9-1-1. The Alliance's position, however, should not be applauded, but rather condemned. It only serves to delay, and raise the cost of, E 9-1-1 for wireless carriers and unfairly discriminates against the wireless industry vis-a-vis other participants in the emergency services network.

CONCLUSION


Contrary to the comments of the Alliance, the wireless industry has been mandated on both the federal and state level to provide E 9-1-1 services and is regulated in its provision of such. Accordingly, wireless carriers should have the same liability limitations as landline carriers in the provision of this service.

The FCC has set out national standards for wireless E 9-1-1 service. Such standards should include consistent limitation of liability in keeping with the public service mandated. The Alliance's opposition to liability limitation serves only to benefit the

plaintiff's bar and potential claimants while obstructing the expeditious and efficient roll-out of wireless E 9-1-1, to the detriment of the public at large.

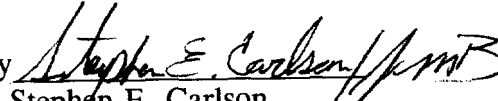
Respectfully submitted,

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August 24, 1998

Attorneys for
Cellular Carriers Association of California

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CERTIFICATE OF SERVICE

I, **ELIZABETH J. DIAMOND**, certify that I have, on this date, caused the foregoing ***REPLY COMMENTS OF THE CELLULAR CARRIERS ASSOCIATION OF CALIFORNIA*** in ***CC Docket No. 94-102*** to be served by first-class U.S. Mail upon the party listed below:

***Leah A. Senitte
911 Program Manager
Emergency Telephone System Section
Department of General Services
STATE OF CALIFORNIA
601 Sequoia Pacific Boulevard
Sacramento, CA 95814***

I declare under penalty of perjury, pursuant to the laws of the State of California, that the foregoing is true and correct.

Executed on August 24, 1998 in San Francisco, California.


ELIZABETH J. DIAMOND